

December 23, 2020,

VIA EMAIL

BC Hatching Egg Producers and Stakeholders

Dear Stakeholder,

RE: RECONSOLIDATION OF THE CONSOLIDATED ORDER

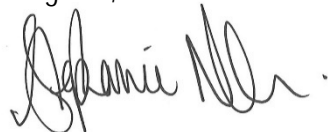
On September 30, 2020, the BC Broiler Hatching Egg Commission advised stakeholders that a process of reconsolidating the Consolidated Order was underway. Stakeholders were provided with a red-lined version of the Consolidated Order, proposing certain changes, and were asked to provide feedback and comment to the proposed changes and advise of any other suggested changes. Stakeholders were further advised that the Commission would also review the reconsolidation with the Pricing and Production Advisory Committee (PPAC). The Commission also noted that this reconsolidation would be a short-term update pending further work on quota tools, LIFO and 10/10/10 in 2021.

At its regularly scheduled Commission meeting on December 17, 2020, the Commission considered feedback and comments provided by stakeholders and the PPAC membership. As some feedback from producers and the hatcheries raised larger questions about the production management interface between producers and hatcheries, the Commission determined that this would require a more fulsome process. As a result, the Commission recognized those concerns on its 2021 strategic plan with the intention of assessing whether those concerns should also be captured in the next reconsolidation.

Regularized (Asian Breeder) producers also raised questions about quota allocation, which are being addressed separately by the Commission directly with those producers.

As of January 1, 2021, the reconsolidated of the Consolidated Order will come into effect.

Regards,



Stephanie Nelson, Executive Director
BC Broiler Hatching Egg Commission

Attachment

cc: Jim Byrne, PPAC
Kirsten Pedersen, BCFIRB
Ryan Whitmore, BCEHA
Bryan Brandsma, BCBHEPA
Commission website

**BRITISH COLUMBIA
BROILER HATCHING EGG COMMISSION
CONSOLIDATED ORDER OF JANUARY 1, 2021**

NOTE TO READER: The *Consolidated Order of January 1, 2021*, is a consolidation of Orders made by the British Columbia Broiler Hatching Egg Commission as of January 1, 2021. Parts of the *Consolidated Order* may have been amended or repealed after that date, and may not be reflected in this electronic version.

This electronic version of the *Consolidated Order of January 1, 2021* is for private study or research purposes only, and is not the official version of the *Consolidated Order*. The British Columbia Broiler Hatching Egg Commission does not warrant the accuracy or the completeness of this electronic version of the *Consolidated Order* and in no event will the British Columbia Broiler Hatching Egg Commission be liable or responsible for damages of any kind arising out of the use of the *Consolidated Order*.

Persons who need to rely on the text of the *Consolidated Order* for legal and other purposes may obtain the official version of the *Consolidated Order of January 1, 2021*, as amended, from the British Columbia Broiler Hatching Egg Commission, Suite 210 – 1848 McCallum Road, Abbotsford, B.C., V2S 0H9. Telephone: (604) 850-1854.

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PART I - INTRODUCTORY

Purpose of Order

1. The British Columbia Broiler Hatching Egg Commission (the “Commission”) has approved this Consolidated Order for the purpose of promoting, regulating and controlling the production, transportation, packing, storage and marketing of Broiler Hatching Eggs, Saleable Chicks and broiler breeders.

Interpretation

2. In this and all Orders of the Commission, unless the context requires otherwise, the definitions contained in the *Natural Products Marketing (BC) Act*, R.S.B.C. 1996, c. 330 and the *British Columbia Broiler Hatching Egg Scheme* (B.C. Reg. 432/88) shall have effect together with the following additional definitions:

“**Breaker Quality Eggs**” means unbroken Cull Eggs and Underweight Broiler Hatching Eggs, other than Cull Underweight Broiler Hatching Eggs.

“**Broiler Hatching Egg**” includes a Breaker Quality Egg, a Cull Egg, a Cull Underweight Broiler Hatching Egg, an Underweight Broiler Hatching Egg, and an Unmarketable Egg.

“**Chick**” means a live chick at the time of hatch and includes a Cull Chick.

“**Committee**” means the Pricing and Production Advisory Committee.

“**Cull Chick**” means a Chick having any one or more of the following characteristics: poor legs, skin tears, club down, missing eye(s), crossed beak, unthrifty appearance, dirty or matted with hatch material, scabby navel, body lesion(s), or curled toes.

“**Cull Chick Rate**” means the ratio expressed as a percentage by dividing the number of Cull Chicks from a given Set by the number of Chicks from that Set.

“**Cull Egg**” means a Broiler Hatching Egg not yet placed in a Hatchery’s incubator and having any one or more of the following characteristics: soft shelled, cracked, rough shelled, misshapen, too large, stained or dirty.

“**Cull Underweight Broiler Hatching Eggs**” mean Underweight Broiler Hatching Eggs having any one or more of the following characteristics: punctured, broken, very dirty or mouldy.

“Egg Service Room” means a facility operated by a Producer for the purpose of washing or sanitizing, final grading and packaging of Broiler Hatching Eggs.

“Egg Storage Room” means a facility operated by a Producer for the purpose of storing Broiler Hatching Eggs and packaging for Broiler Hatching Eggs.

“F.A.S.” means freight alongside applies to the terms of sale whereby Producers will deliver their Broiler Hatching Eggs crated and ready for pick up by Hatcheries at the Producer’s Farm.

“Farm” means land on which crops, poultry or livestock are raised.

“Fowl” means spent broiler breeders no longer raised or used for the production of Broiler Hatching Eggs.

“Grower” means a Person operating a Farm for the production of broilers regulated by the British Columbia Chicken Marketing Board, and includes any Person designated by that marketing board as a Grower.

“Hatchability” means:

- (a) where the Cull Chick Rate is 4% or less, the ratio expressed as a percentage by dividing the number of Chicks from a given Set by the number of Broiler Hatching Eggs in that Set; or
 - (b) where the Cull Chick Rate is greater than 4%, the ratio expressed as a percentage by dividing:
 - (i) the number of Chicks from a given Set
 - less
 - (ii) the amount by which the number of Cull Chicks from that Set exceeds 4% of the number of Chicks from that Set
- by the number of Broiler Hatching Eggs in that Set.

“Hatchery” means a Person operating a facility for the hatching and incubation of Broiler Hatching Eggs into broiler chicks for delivery to a Grower.

“Independent Production Unit” means a Production Unit that is geographically and operationally separate from a Production Unit on which any other Person is actively engaged in Broiler Hatching Egg production;

“Lay Barn” means a barn operated by a Producer for the purpose of producing Broiler Hatching Eggs.

“Marketable Egg” means a Broiler Hatching Egg (other than a Breaker Quality Egg or an Unmarketable Egg) that is produced by a flock of day-old broiler breeder pullets placed in accordance with the Official Flock Schedule.

“Member” means a member of the Commission and includes the Chair of the Commission.

“Official Flock Schedule” means the schedule established, maintained and revised from time to time by the Commission, for the purpose of recording:

- (a) The aggregate number of day-old broiler breeder pullets to be placed by Registered Producers in a Quota Period under the Quota allotted by the Commission;
- (b) For each Registered Producer, the date of placement of each flock of day-old broiler breeder pullets;
- (c) For each Registered Producer, the size of each flock of day-old broiler breeder pullets;
- (d) For each Registered Producer, the kill age directed by the Commission after consultation with the Hatchery, for each flock of day-old broiler breeder pullets;
- (e) For each Registered Producer, the Hatchery that is responsible:
 - (i) to order and place each flock of day-old broiler breeder pullets for that Producer; and
 - (ii) to pick up Marketable Eggs produced under each such flock; and
 - (iii) to place Marketable Eggs produced under each such flock in that Hatchery’s incubator.

“Permissible Lease” means a Transfer of Quota by way of lease or licence for a term of not more than two years, where:

- (a) the Transferor is a Registered Producer who has been actively engaged in Broiler Hatching Egg production for at least the immediately preceding Quota Period; and

- (b) the Quota so leased or licensed does not exceed 10% of the Transferor's total allotment of Quota.

"Person" means a person as defined in the *Interpretation Act*, R.S.B.C. 1996, c. 238.

"Pick-Up" means Broiler Hatching Eggs received by a Hatchery from a Producer for transport to that Hatchery.

"Placement Quota" means the maximum quantity, as determined by the Commission, of broiler breeder pullets that may be received by a Producer in a Quota Period for the purpose of producing Broiler Hatching Eggs, excluding any allowances for mortality in shipment.

"Processor" means a Person who receives Fowl and changes its nature by mechanical means or otherwise and delivers or markets Fowl in a processed or manufactured form.

"Producer" means a Person who uses a Farm for the purpose of producing Broiler Hatching Eggs.

"Producer-Hatchery" means a Hatchery that is affiliated with one or more Producers by reason of:

- (a) the Producer or Producers having a direct or indirect majority interest in the Hatchery, whether by means of shares (and irrespective of the class of shares) or by way of a share interest in a parent corporation; or
- (b) the Producer or Producers being controlled by the same Person or group of Persons who control the Hatchery.

"Production Unit" means a Farm where broiler breeders are raised, or where Broiler Hatching Eggs are produced, or both.

"Quota" means Placement Quota or Regularized Producer Chick Quota, as the case may be.

"Quota Period" means a twenty-four (24) month period commencing July 1st for Placement Quota and a twelve (12) month period commencing January 1st for Regularized Producer Chick Quota.

"Registered Producer" means a Producer registered by the Commission and recorded in the Register of Producers kept at the Commission's head office.

“Regularized Producer” means a Registered Producer who has been allotted Regularized Producer Chick Quota.

“Regularized Producer Chick Quota” means the maximum quantity, as determined by the Commission, of Chicks that may be hatched in a Quota Period from Broiler Hatching Eggs produced by Regularized Producer.

“Reporting Period” means a one week period commencing on Sunday and ending on Saturday.

“Saleable Chick” means a Chick other than a Cull Chick.

“Set” means Broiler Hatching Eggs from a Producer that are placed, contemporaneously, in a Hatchery’s incubator.

“Special Allotment” means:

- (a) a general allotment of Placement Quota by the Commission;
- (b) a special allotment of Placement Quota in accordance with the New Producer Program Rules set out in Schedule 1;
- (c) a special allotment of Placement Quota in accordance with the Small-Lot Innovative Self-Marketer Program Rules set out in Schedule 7;
- (d) an allotment of Regularized Producer Chick Quota.

“Squandered Egg” means a Marketable Egg that has not been placed by a Hatchery into its incubators as required under the Official Flock Schedule in any calendar month in which the Hatchery, together with any entity that is directly or indirectly affiliated with that Hatchery, has:

- (a) placed into its incubators Broiler Hatching Eggs originating from outside the Province; and/or
- (b) acquired Chicks from outside the Province;

in amounts which, when expressed in aggregate as egg-equivalents, exceed 21.1% of the aggregate number of Broiler Hatching Eggs placed into the incubators of that Hatchery and any such affiliated entities.

“Transfer” means a direct or indirect, legal or equitable, permissible or impermissible transfer of an interest in Quota, or the grant of an option to transfer an interest in Quota, and in the case Quota allotted to a corporation includes a transfer of shares or an interest in shares of the corporation or the issuance of additional shares or redemption of existing shares which results in a change in the proportion of shares held by each shareholder; but does not include the grant of a security interest in Quota in favour of a bona fide lender.

“Transferee” means the Person to whom Quota is being Transferred.

“Transferor” means the Person from whom Quota is being Transferred.

“Transporter” means a Person who owns or operates a vehicle or vehicles for the transportation of regulated product.

“Underweight Broiler Hatching Eggs” mean Broiler Hatching Eggs (other than Silkie or Taiwanese Broiler Hatching Eggs) weighing less than 52 grams..

“Unmarketable Eggs” means broken Cull Eggs and Cull Underweight Broiler Hatching Eggs.

PART II - LICENSING

Requirement to Hold Licence

3. (1) No Person shall act as a Producer, Hatchery, Processor or Transporter unless in possession of a valid and subsisting licence issued by the Commission, and no Person shall be relieved of compliance with this requirement in respect of any class of licence on the grounds that such Person is the holder of a valid and subsisting licence of another class.
- (2) Notwithstanding subsection (1), every Producer who is the holder of a valid and subsisting Producer licence may act as a Transporter without a Transporter licence.

Licence Classes

4. Every application for a licence must be made to the Commission in the required form.

General Conditions

5. (1) It is a condition of issuance and maintenance of every licence that the applicant or holder complies with the Orders of the Commission from time to time in force and all applicable legislation and regulations.
- (2) Subject to subsection (3), no more than one Producer licence shall be issued with respect to a single Production Unit.
- (3) Two or more Producers may apply to the Commission to dispense with the limitation imposed under subsection (2). No dispensation of the limitation imposed under subsection (2) shall be effective unless approval is given by the Commission in writing. Where the Commission has granted such written approval, every Producer whose licence is permitted to issue with respect to a single Production Unit shall be jointly and severally responsible and accountable for every incident of non-compliance, howsoever caused, in any way relating to or arising from that Production Unit.
- (4) One Producer licence may be issued with respect to more than one Production Unit.
- (5) No licence shall be issued to any individual who is under the age of nineteen years, or to any corporation controlled by any individuals under the age of nineteen years, or to any partnership with respect to which any individual member is under the age of nineteen years.

- (6) When a Producer holding a licence is a partnership or a corporation and undergoes a change in controlling partners or control of the corporation, the licence of such Producer is subject to revocation by the Commission. For the purpose of this subsection, a change in control of a corporation shall be a change in ownership, direct or indirect, of the majority voting shares of the corporation and a change in controlling partners is a change of partner or partners entitled to a 50% or greater interest in the partnership.
- (7) Licences are not transferable.

Special Conditions for Hatcheries

- 6. (1) It is a condition of issuance and maintenance of every Hatchery Licence that the applicant or holder:
 - (a) order and arrange for the placement of day-old broiler breeder pullets in accordance with the Official Flock Schedule;
 - (b) pick up Marketable Eggs produced by each Producer assigned to that Hatchery pursuant to the Official Flock Schedule;
 - (c) place Marketable Eggs produced by the Producer or Producers referred to in the preceding paragraph into its incubators in a timely fashion and as soon after such Marketable Eggs are laid as is reasonably possible.
 - (d) make and maintain mutually acceptable arrangements with one or more chicken Growers duly licensed by the British Columbia Chicken Marketing Board for the purchase and sale of all Chicks hatched from Broiler Hatching Eggs produced by the Producer or Producers referred to in paragraph (a); and
 - (e) satisfy the Commission that the chicken Grower or Growers referred to in paragraph (d) have each made mutually acceptable arrangements with one or more chicken processors duly licensed by the British Columbia Chicken Marketing Board for the purchase and sale of all chicken grown from Chicks hatched by the applicant or holder, for a term not less than six production periods of eight weeks each.
- (2) Without limiting the application of subsection (1), every Producer-Hatchery must comply with one of the following additional conditions for the issuance and maintenance a Hatchery Licence:

- (a) the applicant or holder must place all Marketable Eggs produced by the affiliated Producer or Producers into its incubators in a timely fashion and as soon after such Marketable Eggs are laid as is reasonably possible;
- (b) the applicant or holder must make mutually acceptable arrangements with another Hatchery to receive and purchase any and all Broiler Hatching Eggs produced by the affiliated Producer or Producers that cannot be placed by the applicant or holder into its incubators in a timely fashion and as soon after such Marketable Eggs are laid as is reasonably possible;
- (c) the applicant or holder must:
 - (i) make mutually acceptable arrangements with another Hatchery to receive and purchase all Broiler Hatching Eggs produced by the affiliated Producer or Producers; and
 - (ii) the applicant or holder must accept and purchase Broiler Hatching Eggs other than from the Producer or Producers affiliated with the applicant or holder.

Renewal

7. At the commencement of a Quota Period, the Commission will renew:
- (a) Producer licences upon receipt of the prescribed application, provided that the Producer has maintained compliance with all Orders of the Commission from time to time in force and all applicable legislation and regulations;
 - (b) Hatchery licences upon receipt of the prescribed application, provided that the Hatchery has maintained compliance with all Orders of the Commission time to time in force and all applicable legislation and regulations;
 - (c) Processor licences, without application, provided that the Processor has maintained compliance with all Orders of the Commission from time to time in force and all applicable legislation and regulations; and
 - (d) Transporter licences, without application, provided that the Transporter has maintained compliance with all Orders of the Commission from time to time in force and all applicable legislation and regulations.

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PART III - ALLOTMENT AND REGISTRATION OF PLACEMENT QUOTA

Allotment of Quota

8. (1) The Commission may allot Quota to Producers or adjust, reduce, alter or cancel Quota allotted to such Producers, at such time or times, in such amounts and in such a manner as may be determined by it.
- (2) Unless otherwise determined by the Commission:
 - (a) Quota shall not be allotted to any individual who is under the age of nineteen years, or to any corporation controlled by any individuals under the age of nineteen years, or to any partnership with respect to which any individual member is under the age of nineteen years.
 - (b) Quota allotted to a Producer that is not produced by that Producer in a Quota Period is subject to cancellation by the Commission, except in the event of exceptional circumstances as determined by the Commission in its sole discretion.
 - (c) No Producer may Transfer Quota by way of lease or licence for a term exceeding two years, and any such Quota so leased or licensed is subject to cancellation by the Commission.
 - (d) No Producer shall be permitted to hold an allotment of Placement Quota of less than 12,000 broiler breeder pullets per Quota Period, except where the Producer is:
 - (i) an entrant under the New Producer Program Rules set out in Schedule 1; or
 - (ii) an entrant under the Small-Lot Innovative Self-Marketer Program Rules set out in Schedule 7.
- (3) All Quota is a revocable licence to produce only and remains the exclusive property of the Commission.

Special Issuance of Placement Quota Under New Producer Program

9. The Commission may issue Placement Quota in accordance with the New Producer Program Rules set out in Schedule 1.

Special Allotment of Placement Quota Under Small-Lot Innovative Self-Marketer Program

10. The Commission may allot Placement Quota in accordance with the Small-Lot Innovative Self-Marketer Program Rules set out in Schedule 7.

Allotment of Regularized Producer Chick Quota

11. (1) Effective January 1, 2021, all “Temporarily Regularized Producer Chick Quota” previously allotted by the Commission pursuant to the now repealed “Temporary Regularization of Historically Non-Compliant Silkie and Taiwanese Producers Program Rules” is converted to an allotment of Regularized Producer Chick Quota.
- (2) The Commission may, at any time, and in its sole discretion, adjust the permitted utilization rate of Regularized Producer Chick Quota.

Special Restrictions on Regularized Producer Chick Quota

12. (1) Regularized Producer Chick Quota may be held for production by a Regularized Producer only for so long as that Regularized Producer:
 - (a) permits Commission audits of the Farm operation to ensure compliance with Commission orders and all applicable legislation;
 - (b) is in good standing with all applicable Commission orders and all applicable legislation;
 - (c) is actively engaged in Silkie or Taiwanese Broiler Hatching Egg production; and
 - (d) uses the Regularized Producer Chick Quota exclusively for the production of Silkie or Taiwanese Chicks;failing which the Regularized Producer Chick Quota so allotted shall thereupon be subject to immediate cancellation on notice by the Commission to the entrant.
- (2) Regularized Producer Chick Quota may be Transferred provided that it shall continue to be subject to all of the special restrictions described in subsection (1). Notwithstanding any other provision in the Consolidated Order, no surrender of Regularized Producer Chick Quota is required on a Transfer thereof.
- (3) Regularized Producer Chick Quota cannot be converted to Placement Quota.

Determination as to Whether the Regularized Producer is Actively Engaged in in Silkie or Taiwanese Broiler Hatching Egg Production

13. (1) The Commission will determine, in its sole discretion, whether a Regularized Producer is actively engaged in Silkie or Taiwanese Broiler Hatching Egg production. Without limiting the generality of the foregoing, the Commission will have regard to the following factors:
 - (a) whether the Regularized Producer Chick Quota is being used for the benefit of the Regularized Producer;
 - (b) whether the Regularized Producer is active in the day-to-day affairs of the Independent Production Unit, including matters of animal husbandry;
 - (c) whether the Regularized Producer operates and controls the Independent Production Unit;
 - (d) whether the Regularized Producer owns, leases or rents the Independent Production Unit;
 - (e) whether the Regularized Producer pays for feed and other Farm supplies utilized on the Independent Production Unit;
 - (f) whether the Regularized Producer enjoys the chance of profit and bears the risk of loss in relation to the operations of the Independent Production Unit.
- (2) For the purpose of determining whether the Regularized Producer is actively engaged in the production of Broiler Hatching Eggs, the Commission shall have regard to the substance and effect of any arrangement made between the Regularized Producer and any other Person, irrespective of the form of that arrangement.
- (3) Where it appears to the Commission that the Regularized Producer is primarily engaged in the business of administering Regularized Producer Chick Quota, and that some other Person is primarily engaged in the business of Silkie or Taiwanese Broiler Hatching Egg production associated with that Regularized Producer Chick Quota, the Regularized Producer shall be deemed not to be actively engaged in Silkie or Taiwanese Broiler Hatching Egg production.

Registration of Quota to Independent Production Unit

14. (1) Quota allotted by the Commission to a Producer shall be registered to the Independent Production Unit or Units described in the Producer licence.
- (2) Where a Producer operates more than one Independent Production Unit under a single Producer licence, Quota allotted to that Producer will be apportioned by the Commission and registered to each such Independent Production Unit as directed by the Producer or, in the absence of such direction, in such amounts and in such a manner as may be determined by Commission.
- (3) All broiler breeders shall be kept on and marketed from the Independent Production Unit or Units described in the Producer licence in a manner consistent with the Quota registered to the Independent Production Unit or Units, as the case may be, unless the Commission otherwise consents in writing.
- (4) The location of an Independent Production Unit to which Quota is registered shall not be changed in whole or in part, unless the Commission otherwise consents in writing.

Registration of Quota to Producer

15. (1) Quota allotted to a Producer who is a sole proprietor will be registered by the Commission in the name of the Producer. If the Producer requests that the Quota be registered to a business name that is different from the Producer's name, the Quota will be registered to both the business name and the Producer's name.
- (2) Quota allotted to a Producer which is a partnership will be registered by the Commission in the partnership name and individual names of all of the partners. At the time of first registration, and subsequently as required by the Commission, the partnership shall file with the Commission a true copy of the partnership agreement showing the name of each partner and the interest that each partner has in the partnership. The partnership shall inform the Commission in writing one calendar month before any subsequent change is made in the partners or in the interest each has in the partnership.

- (3) Quota allotted to a Producer which is a corporation will be registered by the Commission in the corporate name and the name of the president or majority shareholder. At the time of first registration, and subsequently as required by the Commission, the corporation shall file with the Commission a true copy of the Certificate of Incorporation and the Register of Members. The corporation shall inform the Commission in writing one calendar month before any subsequent change is made to the share allotment within, or structure of, the corporation.
- (4) Quota allotted in the name of a corporation is deemed to have been allotted to each shareholder, whether holding voting shares or not, in proportion to their share holdings of issued shares in the corporation.
- (5) The Commission may require a Producer, which is a partnership or a corporation, to file with the Commission at any time subsequent to first registration, a true copy of the partnership agreement or register of members of the corporation.
- (6) Failure by a Producer to provide the Commission with any of the documents required by the Commission within the time period stated by the Commission shall result in the suspension of the offending licensee's licence and Quota until the required document is filed and approved by the Commission.

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PART IV - TRANSFER AND LEASE OF PLACEMENT QUOTA

Application for Transfer of Quota

16. (1) Quota may only be Transferred upon application by the Transferor to, and with the written approval of, the Commission.
- (2) Applications for Transfer of Quota must be accompanied by:
 - (a) an administration fee of \$250.00 payable by the applicant to the Commission;
 - (b) a letter from the applicant's Hatchery releasing the applicant from any outstanding accounts with the Hatchery.
- (3) Where the Commission incurs legal or other professional expenses in connection with the processing of an application for Transfer, such expenses may be charged to the applicant as a condition of approval of the application by the Commission.
- (4) Applications for Transfer of Quota made within six months of an approved Transfer of Quota are not subject to payment of additional administration fees or additional legal or other professional expenses incurred by the Commission in connection with the processing of such applications.

Limitations on Transfer of Quota

17. (1) The Commission may refuse to approve a Transfer of Quota where:
 - (a) The Transferor or Transferee is not in compliance with the Orders of the Commission from time to time in force and all applicable legislation and regulations; or
 - (b) The Transferee is an individual who is under the age of nineteen years, or a corporation controlled by any individuals under the age of nineteen years, or a partnership with respect to which any individual member is under the age of nineteen years.
- (2) Unless the Commission otherwise consents in writing, no Producer may Transfer Quota by way of a Permissible Lease within one year from the date that such Producer last Transferred Quota by way of a Permissible Lease.
- (3) The Commission may require a Transferee of Quota to be interviewed by the Commission.

- (4) The Commission may impose conditions with respect to any approval of a Transfer of Quota.
- (5) The Commission may suspend the approval of Transfers for a definite or indefinite period of time.

Deemed Transfer of Quota

- 18. (1) A Transfer of Quota allotted to a partnership is deemed to occur when a partnership interest is transferred.
- (2) A Transfer of Quota allotted to a corporation is deemed to occur when:
 - (a) The shares of that corporation are transferred;
 - (b) An interest in the shares of that corporation is transferred;
 - (c) Additional shares of that corporation are issued resulting in a change in the proportion of shares held by each shareholder; or
 - (d) Existing shares of that corporation are redeemed resulting in a change in the proportion of shares held by each shareholder.

Surrender of Quota on Transfer

- 19. (1) Subject to subsection (5), where Quota is Transferred other than by way of a Permissible Lease, the Transferor shall surrender to the Commission an amount of Quota calculated as follows:
 - (a) 5% of the amount of Quota being Transferred, where such Quota was:
 - (i) allotted pursuant to a Special Allotment to the Transferor prior to April 1, 2006; or
 - (ii) allotted to the Transferor other than pursuant to a Special Allotment;
 - (b) 100% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within one year from the date of the proposed Transfer;

- (c) 90% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within the second year preceding the date of the proposed Transfer;
- (d) 80% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within the third year preceding the date of the proposed Transfer;
- (e) 70% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within the fourth year preceding the date of the proposed Transfer;
- (f) 60% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within the fifth year preceding the date of the proposed Transfer;
- (g) 50% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within the sixth year preceding the date of the proposed Transfer;
- (h) 40% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within the seventh year preceding the date of the proposed Transfer;
- (i) 30% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within the eight year preceding the date of the proposed Transfer;
- (j) 20% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within the ninth year preceding the date of the proposed Transfer;
- (k) 10% of the amount of Quota being Transferred, where such Quota was allotted pursuant to a Special Allotment to the Transferor on or after April 1, 2006, and within, or prior to, the tenth year preceding the date of the proposed Transfer.

- (2) For the purposes of subsection (1), the Placement Quota being Transferred is deemed to be the Placement Quota most recently allotted to the Transferor. The Commission may, in its sole discretion, deem Placement Quota to have been allotted on a date that precedes the date of allotment recorded by the Commission where a Producer has satisfied the Commission, on satisfactory evidence, that there are good and sufficient reasons to do so.
- (3) Where the interest of a Producer in a partnership is increased, decreased or transferred, a proportionate Transfer of the Quota deemed to have been allotted to such Producer is deemed to occur.
- (4) Where the direct or indirect interest of an individual in a corporate Producer is increased, decreased or transferred, a proportionate Transfer of the Quota deemed to have been allotted to such individual is deemed to occur.
- (5) A surrender of Quota pursuant to paragraph 19(1)(a) is not required where:
 - (a) Quota is Transferred, or deemed to have been Transferred, to the Transferor's spouse, child, or child and the child's spouse;
 - (b) all Quota is Transferred to the Transferor's sibling together with the associated Production Unit;
 - (c) two or more Producers enter into an agreement of partnership and the partnership interest of each such Producer is proportionate to the Quota registered in that Producer's name;
 - (d) the amount of Quota deemed to have been allotted to a Producer having an interest in a partnership remains registered in that Producer's name upon dissolution of the partnership.

PART V – FLOCK PLACEMENT

Official Flock Schedule

20. The Official Flock Schedule is available for inspection at the Office of the Commission during regular business hours, provided that the Commission may withhold information from the Official Flock Schedule that does not pertain to the Person requesting inspection.

Placement of Flocks by Hatcheries and Payment by Producers

21. (1) Each Hatchery must:
- (a) order and arrange for the placement of flocks of day-old broiler breeder pullets in accordance with the Official Flock Schedule, except with respect to a Regularized Producer;
 - (b) pick up Marketable Eggs produced by each Producer assigned to that Hatchery pursuant to the Official Flock Schedule, except with respect to a Regularized Producer; and
 - (c) place Marketable Eggs into its incubators in a timely fashion and as soon after such Marketable Eggs are laid as is reasonably possible.
- (2) Each Hatchery shall inform the Commission in writing of its chosen strain or strains of broiler breeders to be ordered and placed in accordance with the Official Flock Schedule or otherwise.
- (3) Unless otherwise agreed in writing, every Producer, , other than a Regularized Producer, shall pay for day-old broiler breeders ordered and arranged by a Hatchery within 30 days from the date of placement of such day-old broiler breeders.
- (4) Where a Producer has failed or refused to pay the full amount due (without deduction, set-off or abatement) for a flock of day-old broiler breeders ordered and arranged by a Hatchery on behalf of that Producer:
- (a) within 30 days from the date of placement of that flock; or
 - (b) within such other time as may have been agreed in writing between that Hatchery and that Producer with respect to that flock;
- the Hatchery may:
- (c) forthwith deduct and withhold from the total payable to such Producer amounts sufficient to pay for that flock; and

- (d) commencing 30 days prior to the date of placement of the next flock of day-old broiler breeders, deduct and withhold from the total payable to such Producer amounts sufficient to pay for that next flock.

Growing of Pullets

- 22. (1) All Producers must grow their own broiler breeder pullets on their own Independent Production Unit unless the Commission otherwise approves in writing.
- (2) Every Producer who grows their own broiler breeder pullets at a location other than their own Independent Production Unit must ensure that the growing of those broiler breeder pullets is consistent with all applicable standards.

PART VI - PRODUCTION REQUIREMENTS AND LIMITATIONS

Over Placement Quota Placements

23. Where a Producer has placed a quantity of broiler breeders pullets in a Quota Period in excess of the Placement Quota allotted to that Producer, the Producer is liable to pay to the Commission an over placement levy as may be fixed and imposed by the Commission from time to time.

Under Placement Quota Placements

24. Where the Placement Quota allotted to a Producer exceeds the quantity of broiler breeders pullets placed by that Producer in a Quota Period, the Producer is liable to pay to the Commission an under placement levy as may be fixed and imposed by the Commission from time to time.

Operational Standards

25. Every Hatchery, Producer and Transporter shall carry on operations in accordance with the Supplemental Standards set out in Schedule 6.

Acceptance of First Broiler Hatching Eggs Produced by a Flock

26. No Hatchery shall refuse to accept the first Broiler Hatching Eggs produced by a breeder flock provided that:
- (a) such first Broiler Hatching Eggs are not more than 7 days old and are available in quantities of not less than 720 Broiler Hatching Eggs;
 - (b) all such Broiler Hatching Eggs (other than Silkie or Taiwanese Broiler Hatching Eggs) weigh at least 52 grams each; and
 - (c) each flock's eggs are packaged and labeled separately.

Marketing of Broiler Hatching Eggs

27. (1) Subject to subsections (2) and (3), no Producer shall market Broiler Hatching Eggs other than:
- (a) through the Commission;
 - (b) to a Hatchery;
 - (c) to a breaker; or
 - (d) as may otherwise be directed by the Commission.

- (2) Every Producer must market through the Commission all Breaker Quality Eggs.
- (3) Every Producer must destroy all Unmarketable Eggs. No such Unmarketable Eggs shall be marketed, through the Commission or otherwise.
- (4) After giving a Person an opportunity to be heard, the Commission may impose terms and conditions with respect to the marketing of a regulated product and may suspend or cancel the licence held by, or Quota allotted to, a Person if that Person has failed to comply with subsections (1), (2) or (3).
- (5) Where a licence and/or Quota has been suspended for a definite period by reason of a failure to comply with subsections (1), (2) or (3), and that failure to comply has not been rectified within the period of suspension and continues, the Commission may forthwith cancel the licence and/or all or any part of the Quota allotted to that Person.
- (6) Before the Commission imposes terms and conditions with respect to the marketing of a regulated product or suspends or cancels the licence held by, or Quota allotted to, a Person, the Commission shall consider the following:
 - (a) previous enforcement actions for contraventions of a similar nature by the Person;
 - (b) the gravity and magnitude of the contravention;
 - (c) the extent of the harm to others resulting from the contravention;
 - (d) whether the contravention was repeated or continuous;
 - (e) whether the contravention was deliberate;
 - (f) any economic benefit derived by the Person from the contravention;
and
 - (g) the Person's efforts to correct the contravention.

Inadequate Loading Dock or Loading Apparatus

28. Where a Producer's Egg Storage Room is not accessible by way of a loading dock or other loading apparatus suitable for the loading of Broiler Hatching Eggs, and the Hatchery designated to that Producer is for that reason unable or unwilling to pick up Broiler Hatching Eggs:
- (a) the Commission may direct that all such Broiler Hatching Eggs be shipped to the breaker at the Producer's own cost and in accordance with a delivery schedule approved and administered by the Commission; and
 - (b) the Producer shall receive only the price payable by the breaker for such Broiler Hatching Eggs marketed to the breaker.

Fowl

29. (1) Every Producer other than a Regularized Producer shall market their broiler breeder flocks as directed by the Commission, and subject to:
- (a) any extraordinary kill age as may be directed by the Commission, after consultation with the Hatchery, where:
 - (i) a broiler breeder flock has failed to produce Broiler Hatching Eggs with a consistent Hatchability of 70%; or
 - (ii) there are other extraordinary circumstances warranting an extraordinary kill age.
 - (b) any extraordinary kill age as may be directed by the Producer, after consultation with the Hatchery, where a broiler breeder flock has failed to produce at levels acceptable to that Producer.
- (2) In exercising its discretion under paragraph (1)(a), the Commission will have regard to:
- (a) the extent to which Hatchability has fallen below 70%;
 - (b) the Hatchability trend;
 - (c) whether or not there is a reasonable prospect that the broiler breeder flock will produce Broiler Hatching Eggs with a consistent Hatchability of 70% in the future; and
 - (d) the presence of any other extraordinary circumstances warranting an extraordinary kill age.

- (3) All Fowl shipped from a Producer's Farm to a Processor shall be weighed by the Processor before 10:00 a.m. on the date of delivery.
- (4) Every Hatchery or Processor, as the case may be, shall provide to the affected Producer a minimum of two weeks' advance notice of any kill of Fowl.

PART VII - PRICES AND METHOD OF PAYMENT

Payment of Base Price for Broiler Hatching Eggs

30. Every Hatchery shall pay for Broiler Hatching Eggs at the base price set out in Schedule 2, provided that a reasonable surcharge may be imposed by a Hatchery to recover additional costs actually incurred by the Hatchery as a direct consequence of having to pick up Broiler Hatching Eggs from a Producer (other than a Regularized Producer) who keeps less than 12,000 broiler breeders per Quota Period.

Time of Payment for Broiler Hatching Eggs

31. (1) Every Hatchery shall pick up Broiler Hatching Eggs from each Producer designated to it at least twice weekly.
- (2) Payment shall be made to each Producer by each Hatchery within 30 days from the date that such Broiler Hatching Eggs are picked up by the Hatchery.

Authorized Withholdings

32. Where a Producer has failed or refused to pay for a flock of day-old broiler breeders ordered and arranged by a Hatchery on behalf of that Producer within 30 days from the date of placement of that previous flock, or within such other time as may have been agreed in writing between that Hatchery and that Producer with respect to that flock, the Hatchery may withhold the amount so due from any payments due to that Producer by that Hatchery.

Payment of Base Price for Chicks Under 2 Days Old

33. Every Grower shall pay for Chicks under 2 days old hatched from Broiler Hatching Eggs at the base price set out in Schedule 2.

Payment of Base Price for Fowl

34. Every Processor shall pay for Fowl at the base price set out in Schedule 2 within 10 days from the date of kill.

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PART VIII - LEVIES

Producer Levies

35. Levies are fixed and imposed on each Producer as set out in Schedule 3, irrespective of whether any such Producer has been allotted Quota or is the holder of a valid licence issued by the Commission.

Hatchery Responsibility Regarding Producer Levies

36. (1) Each Hatchery, before making payments to a Producer, shall deduct from the total payable to such Producer the amount of levies assessed against the Producer under Schedule 3, and shall within 30 days of receipt of Broiler Hatching Eggs from that Producer, remit the amount so deducted to the Commission.
- (2) In the event levies so assessed against a Producer are greater than the total amount payable to the Producer by the Hatchery, the deficient levy amount shall be added to subsequent levy assessments, and the Hatchery shall deduct from subsequent payments to that Producer the aggregate amount of such levies assessed against that Producer, and shall forthwith thereafter remit the amount so deducted to the Commission.
- (3) Should any Hatchery:
- (a) fail to deduct from amounts payable to a Producer the levies assessed against that Producer under Schedule 3; or
 - (b) fail to remit such levies to the Commission;
- then at the Commission's direction, any other Hatchery who has received regulated product from the defaulting Hatchery shall deduct from the payment due to the defaulting Hatchery the levies due to the Commission and shall immediately remit such levies to the Commission.

Hatchery Levies

37. Levies are fixed and imposed on each Hatchery as set out in Schedule 3.

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PART IX - REPORTING AND INSPECTION

Hatchery Reporting to Commission

38. (1) Every Hatchery shall, on or before the 4:00 p.m. on the 4th day of the next Reporting Period, furnish the Commission with a true and detailed report disclosing:
- (a) the name and address of each Producer from whom the Hatchery received Broiler Hatching Eggs;
 - (b) the number of Broiler Hatching Eggs received from each Producer;
 - (c) the date that Broiler Hatching Eggs were first picked up by the Hatchery;
 - (d) the number of Saleable Chicks derived from Broiler Hatching Eggs received from each Producer;
 - (e) the number of Broiler Hatching Eggs received from other than Registered Producers;
 - (f) the number of Saleable Chicks derived from Broiler Hatching Eggs received from other than Registered Producers;
 - (g) the amount of levies deducted from amounts payable by the Hatchery to each Producer;
 - (h) the amount of levies remitted by the Hatchery with respect to Broiler Hatching Eggs received from other than Registered Producers;
- (2) The true and detailed report described in subsection (1) shall be submitted in the manner, and using such systems, as the Commission may direct from time to time.
- (3) Every Hatchery shall complete and submit weekly to the Commission the "Weekly Hatchery Report". The "Weekly Hatchery Report" shall be completed and submitted in the manner, and using such systems, as the Commission may direct from time to time.
- (4) Every Hatchery shall complete and submit to each Producer, at the conclusion of each hatch, a hatch report for each individual flock in a form approved by the Commission. The hatch report shall be completed and submitted in the manner, and using such systems, as the Commission may direct from time to time.

- (5) Every Hatchery shall notify the Commission of its intention to sell Chicks to a Grower not then purchasing Chicks from that Hatchery at least 16 weeks before commencing selling Chicks to that Grower, and shall thereupon provide to the Commission particulars including the name of the Grower, the placement cycle, and the number of Chicks per cycle.

Processor Reporting to Commission

39. Every Processor shall, on or before 4:00 p.m. on the 4th day of the next Reporting Period, furnish the Commission with a true and detailed report disclosing:
 - (a) the name and address of each Producer from whom the Processor received Fowl; and
 - (b) the number of Fowl received from each Producer, including:
 - (i) the number of such Fowl processed, the date that such Fowl was processed, the weight of such Fowl, and the amount paid for such Fowl; and
 - (iii) the number of such Fowl condemned, the date that such Fowl was rendered, and the weight of such Fowl.

Books, Records and Accounts

40. (1) Every Hatchery, Processor and Producer shall keep complete and accurate books, records and accounts of all matters relating to the production, transportation, packing, storage and marketing of Broiler Hatching Eggs, Saleable Chicks or broiler breeders.
- (2) All books, records and accounts required to be kept under subsection (1) must be retained for a period of three years and shall be available for inspection by:
 - (a) the Commission;
 - (b) any officer or auditor of the Commission; and
 - (c) any other Person as may be authorized by the Commission from time to time to make an inquiry, report or corrective action request.

Licensees to Furnish Information and Permit Inspection

41. (1) Every Person licensed by the Commission shall, upon request, furnish to the Commission, or to any officer or auditor of the Commission, or to any other Person as may be authorized by the Commission from time to time to make an inquiry, report or corrective action request, any information or documentation relating to the production, transportation, packing, storage and marketing of Broiler Hatching Eggs, Saleable Chicks or broiler breeders.
- (2) Every Person licensed by the Commission shall make specific answers to any questions submitted to that Person by the Commission, or by any officer or auditor of the Commission, or by any other Person as may be authorized by the Commission from time to time to make an inquiry, report or corrective action request.
- (3) Every Person licensed by the Commission shall permit the Commission, or any officer or auditor of the Commission, or any other Person as may be authorized by the Commission from time to time to make an inquiry, report or corrective action request, to search vehicles in which the regulated product is transported, and to inspect all Farm or business premises owned, occupied or controlled by such licensed Person.

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PART X - PROHIBITIONS

Producer

42. No Producer shall engage in the production, transportation, packing, storage and marketing of Broiler Hatching Eggs, Saleable Chicks or broiler breeders unless the Producer:
- (a) is the holder of a valid and subsisting licence issued by the Commission; and
 - (b) has an allotment of Quota in accordance with the Orders of the Commission.

Hatchery

43. (1) No Hatchery shall receive regulated product from a Producer:
- (a) who is not the holder of a valid and subsisting licence issued by the Commission; and
 - (b) who does not have an allotment of Quota in accordance with the Orders of the Commission.
- (2) No Hatchery shall receive regulated product from a Transporter or a Processor who is not the holder of a valid and subsisting licence of the appropriate class issued by the Commission.

Processor

44. (1) No Processor shall receive regulated product from a Producer:
- (a) who is not the holder of a valid and subsisting licence issued by the Commission; and
 - (b) who does not have an allotment of Quota in accordance with the Orders of the Commission.
- (2) No Processor shall receive regulated product from a Transporter or a Hatchery who is not the holder of a valid and subsisting licence of the appropriate class issued by the Commission.

Transporter

45. (1) No Transporter shall receive regulated product from a Producer:

- (a) who is not the holder of a valid and subsisting licence issued by the Commission; and
 - (b) who does not have an allotment of Quota in accordance with the Orders of the Commission.
- (2) No Transporter shall receive regulated product from a Hatchery or a Processor who is not the holder of a valid and subsisting licence of the appropriate class issued by the Commission.

PART XI - COMPLIANCE

Suspension or Cancellation

46. (1) In addition to any other remedies available to the Commission in respect of a contravention of an Order of the Commission, the *Natural Products Marketing (BC) Act*, R.S.B.C. 1996, c. 330, the *British Columbia Broiler Hatching Egg Scheme* (B.C. Reg. 432/88), or other applicable legislation and regulations, the Commission may suspend or cancel the licence held by, or Quota allotted to, a Person determined by the Commission to be in contravention.
- (2) Where a licence has been suspended for a definite period for a contravention and that contravention has not been rectified within the period of suspension and the contravention continues, the Commission may forthwith cancel the licence.

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PART XII - PRICING AND PRODUCTION ADVISORY COMMITTEE

Committee

47. The Pricing and Production Advisory Committee is hereby continued and is composed of:
- (a) 3 voting Registered Producer representatives (who are not Members of the Commission) appointed by the Commission after consultation with the British Columbia Broiler Hatching Egg Producers Association;
 - (b) 3 voting Hatchery representatives appointed by the Commission after consultation with the British Columbia Egg Hatchery Association;
 - (c) 1 voting member (who is not a Registered Producer, a Hatchery representative, a Grower representative or a Member of the Commission) appointed by the Commission to serve as the Chairperson of the Committee;
 - (d) 1 non-voting observer (who is a Member of the Commission) appointed by the Commission; and
 - (e) 1 ad hoc, voting Grower representative appointed by the Commission after consultation with the British Columbia Chicken Marketing Board, who:
 - (i) shall attend at, be privy to, and participate in, only those portions of Committee meetings that concern pricing decisions that the Commission has made or may make and which relate specifically to:
 - A. the base price for Broiler Hatching Eggs set out in Schedule 2; or
 - B. the mechanism by which the base price for Broiler Hatching Eggs is established;
 - (ii) shall not attend at, be privy to, or participate in, any portion of Committee meetings that concern a dispute between a Hatchery and a Producer that has been referred to the Committee in accordance with Schedule 6 to the Consolidated Order.

- (f) such further persons as may be appointed by the Commission to broaden the scope of experience available to the Committee in its deliberations

Appointment of Members

- 48. All appointments to the Committee:
 - (a) shall be communicated by the Commission in writing to the Person or representative so appointed; and
 - (b) shall be held at the pleasure of the Commission.

Duties of the Committee

- 49. (1) The Committee shall advise the Commission, upon the request of the Commission, or upon the initiative of the Committee, concerning any matter relating to the pricing or production decisions the Commission has made or may make.
- (2) Without limiting the generality of subsection (1), the Committee shall provide a recommendation to the Commission where it has considered a dispute between a Hatchery and a Producer that has been referred to it in accordance with Schedule 6 to the Consolidated Order.

Manner of Providing Advice

- 50. (1) The Committee shall endeavour to provide advice to the Commission in the form of a written unanimous recommendation.
- (2) Where the Committee is unable to formulate a unanimous recommendation, the Chairperson of the Committee shall provide to the Commission a written position report detailing the majority and minority positions of the Committee members, and the number of votes cast in favour of each such position.

Time

- 51. Where the Commission has requested the advice of the Committee, the Committee shall provide its advice, whether by way of a written unanimous recommendation or by way of a written position report, within such period of time as the Commission may request.

PART XIII - MISCELLANEOUS

Conflict of Interest

52. Members of the Commission shall conduct themselves in a manner consistent with the Conflict of Interest Rules set out in Schedule 4.

Revocation and Transition

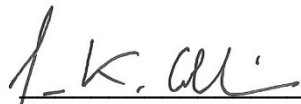
53. This Consolidated Order supersedes and replaces all Orders made by the Commission prior to the effective date hereof and all such prior Orders are hereby revoked, but such revocation shall not affect any contraventions committed or any penalties incurred under the Orders so revoked.

Commencement

54. This Consolidated Order comes into effect on January 1, 2021.

DATED AT ABBOTSFORD, BRITISH COLUMBIA, THIS 17TH DAY OF DECEMBER, 2020.

BRITISH COLUMBIA BROILER HATCHING EGG COMMISSION



Jim Collins - Chair

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SCHEDULE 1 – NEW PRODUCER PROGRAM RULES

Definitions

1. In these Rules:

“**Spouse**” means a partner in a marriage, or a Person with whom there has been cohabitation in a conjugal relationship, having so cohabitated for a continuous period of at least one year.

Application

2. (1) A Person may apply to participate in the New Producer Program only when the Commission has announced on its website that a lottery will be conducted for the purpose of selecting applicants to fill unoccupied places on the prospective producer list hereunder.
- (2) Applications to participate in the New Producer Program are made by filing with the Commission:
 - (a) an application form, obtainable from the Commission, duly completed by the applicant;
 - (b) a copy of the applicant’s birth certificate or other proof of age acceptable to the Commission;
 - (c) proof of Canadian citizenship or permanent resident status;
 - (d) proof of permanent residence status in the Province of British Columbia; and
 - (e) a non-refundable application fee of \$250.00, payable to the Commission by way of cheque.
- (3) Spouses may submit a joint application, but no more than one application may be submitted by both Spouses, or either of them.
- (4) An applicant for the New Producer Program may be a partnership in which case each partner must qualify under subsection (5).
- (5) A Person seeking to participate in the New Producer Program must have the following qualifications:
 - (a) a genuine intention to be actively engaged in Broiler Hatching Egg production;

- (b) be a Canadian citizen or permanent resident of Canada;
- (c) be a permanent resident in the Province of British Columbia;
- (d) be at least 19 years of age at the time of application; and
- (e) neither the applicant, nor the Spouse of the applicant, nor any co-applicant, may have, or have had at any time, any financial interest in quota or any similar transferable production right issued or allotted by a supply management commodity board or commission in British Columbia, including Quota, whether directly or indirectly, through any organization or entity.

Prospective Producer List

3. (1) The Commission will arrange for an independent third party to conduct a lottery for the purpose of establishing a prospective producer list. The prospective producer list, when first established, shall consist of five prospective producers, provided that a sufficient number of persons apply to participate in the New Producer Program.
- (2) When there are three or less eligible applicants on the prospective producer list, the Commission will arrange for an independent third party to conduct a lottery for the purpose of selecting eligible applicants to fill the unoccupied places on the prospective producer list.
- (3) Where an applicant is in breach of Commission Orders, or applicable legislation, that applicant will not be eligible to participate in the lottery and will not be placed on the prospective producer list.
- (4) Positions on the prospective producer list are:
 - (a) non-transferable, under any circumstances; and
 - (b) not available to be pledged as security.
- (5) Persons on the prospective producer list may have their applications rejected and their prospective producer list position cancelled for any of the following:
 - (a) breach of Commission Orders or applicable legislation;
 - (b) making false statements on the application form;
 - (c) changes in circumstances such that an applicant no longer qualifies under the New Producer Program;

- (d) changes in legislation adversely affecting the New Producer Program; or
- (e) an NSF cheque for the application fee.

Entry in Program

- 4. (1) The Commission will maintain a new producer allocation pool. All Placement Quota surrendered pursuant to the transfer assessment provisions of the Commission's Consolidated Order will be allocated to that pool by the Commission for the purpose of issuing Placement Quota under the New Producer Program.
- (2) When the new producer allocation pool contains 5,000 broiler breeder pullets of Placement Quota not already assigned by the Commission for the allotment of Placement Quota under the New Producer Program, and where market conditions permit, the Commission will invite one applicant to enter the New Producer Program.
- (3) Where an applicant from the prospective producer list is invited by the Commission to become an entrant to the New Producer Program, the applicant shall submit to the Commission, within 60 days from the date of such invitation:
 - (a) proof, in a form satisfactory to the Commission, of the applicant's financial ability to establish an acceptable Independent Production Unit for the production of Broiler Hatching Eggs; and
 - (b) proof, in a form satisfactory to the Commission, that the applicant has economically viable plans to sustain the production of Broiler Hatching Eggs;
 - (c) proof, in a form satisfactory to the Commission, that the applicant will be able to establish an acceptable Independent Production Unit for the production of Broiler Hatching Eggs within one year from the date of the invitation to become an entrant to the New Producer Program;
 - (d) proof, in a form satisfactory to the Commission, that the applicant's Independent Production Unit will be within economic access of a licensed Hatchery; and
 - (e) any other information deemed necessary by the Commission.

- (4) An applicant who has complied with subsection (3) to the satisfaction of the Commission will be allotted 5,000 broiler breeder pullets of Placement Quota when the acceptable Independent Production Unit has been established.

Special Restrictions on Placement Quota Alloted Under the Program

5. (1) Placement Quota allotted under the New Producer Program may be held for production by the entrant only for so long as the entrant:
 - (a) permits Commission audits of the Farm operation to ensure compliance with Commission orders and all applicable legislation, including all terms and conditions of the New Producer Program;
 - (b) is in good standing with all applicable Commission orders and all applicable legislation, including all terms and conditions of the New Producer Program; and
 - (c) is actively engaged in Broiler Hatching Egg production;

failing which the Placement Quota so allotted shall thereupon be subject to immediate cancellation on notice by the Commission to the entrant.

Purchase or Acquisition of Additional Placement Quota

6. (1) An entrant may purchase or acquire Placement Quota.
- (2) Entrants under the New Producer Program are eligible to receive general allotments of new Placement Quota and are subject to general adjustments or reductions of Placement Quota, and for that purpose, such receipts, adjustments or reductions shall be calculated against the Placement Quota then allotted to the entrant.

Determination as to Whether the Entrant is Actively Engaged in Broiler Hatching Egg Production

7. (1) The Commission will determine, in its sole discretion, whether an entrant is actively engaged in Broiler Hatching Egg production for the purposes of the New Producer Program. Without limiting the generality of the foregoing, the Commission will have regard to the following factors:
 - (a) whether the Placement Quota allotted under the New Producer Program is being used for the benefit of the entrant;
 - (b) whether the entrant is active in the day-to-day affairs of the Independent Production Unit, including matters of animal husbandry;

- (c) whether the entrant operates and controls the Independent Production Unit;
 - (d) whether the entrant owns, leases or rents the Independent Production Unit;
 - (e) whether the entrant pays for feed and other Farm supplies utilized on the Independent Production Unit; and
 - (f) whether the entrant enjoys the chance of profit and bears the risk of loss in relation to the operations of the Independent Production Unit.
- (2) For the purpose of determining whether the entrant is actively engaged in the production of Broiler Hatching Eggs, the Commission shall have regard to the substance and effect of any arrangement made between the entrant and any other Person, irrespective of the form of that arrangement.
- (3) Where it appears to the Commission that the entrant is primarily engaged in the business of administering Placement Quota allotted under the New Producer Program, and that some other Person is primarily engaged in the business of Broiler Hatching Egg production associated with that Placement Quota, the entrant shall be deemed not to be actively engaged in Broiler Hatching Egg production.

Changes to the New Producer Program

8. (1) Applicants on the prospective producer list and entrants under the New Producer Program are subject to all changes that the Commission may make from time to time to the terms and conditions of the New Producer Program.
- (2) Notwithstanding subsection (1), the Commission may, in its sole discretion, provide to an entrant a written exemption from any term or condition of the New Producer Program that has come into effect after the entrant's entry into the New Producer Program, in which event the entrant shall continue to be governed by the terms and conditions of the New Producer Program as they existed at the time of the entrant's entry into the New Producer Program except insofar as those terms and conditions may conflict with any subsequent term or condition for which a written exemption had not been granted.

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SCHEDULE 2 - PRICES

Broiler Hatching Eggs (Producers)

1. (1) For Period A167, and effective January 10, 2021, the base price to be paid by Hatcheries to Producers (other than Regularized Producers) for Broiler Hatching Eggs is \$0.6633 per Saleable Chick.
- (2) For Period A167, and effective December 20, 2020, the listed price for Broiler Hatching Eggs described in subsection (1) is \$6.3762 per dozen.
- (3) The base price for Broiler Hatching Eggs described in subsection (1) is F.A.S. the Producer's Farm.

Chicks Under 2 Days Old (Producers)

2. (1) For Period A167, and effective January 10, 2021, the base price to be paid by Growers to Hatcheries for day-old Saleable Chicks hatched from Broiler Hatching Eggs produced by Producers other than Regularized Producers (exclusive of any charges that may be imposed by the Hatchery for vaccination or sexing services requested by the Grower) is \$0.8527 per day-old Saleable Chick.
- (2) Notwithstanding subsection (1), Hatcheries may, at their discretion, provide to Growers Chicks under 2 days old at no cost in addition to the number of Chicks under 2 days old invoiced per flock placement.
- (3) The base price for Chicks described in subsection (1) is F.A.S. the Grower's Farm.

Broiler Hatching Eggs (Regularized Producers)

3. (1) For Period A167, and effective January 10, 2021, the base price to be paid by Hatcheries to Regularized Producers for Broiler Hatching Eggs is \$0.9417 per Saleable Chick.
- (2) For Period A167, and effective December 20, 2020, the listed price for Broiler Hatching Eggs described in subsection (1) is \$9.0400 per dozen.
- (3) The base price for Broiler Hatching Eggs described in subsection (1) is F.A.S. the Producer's Farm.

Chicks Under 2 Days Old (Regularized Producers)

4. (1) For Period A167, and effective January 10, 2021, the base price to be paid by Growers to Hatcheries for day-old Saleable Chicks hatched from Broiler Hatching Eggs produced by Regularized Producers (exclusive of any charges that may be imposed by the Hatchery for vaccination or sexing services requested by the Grower) is \$1.1500 per day-old Saleable Chick.
- (2) Notwithstanding subsection (1), Hatcheries may, at their discretion, provide to Growers Chicks under 2 days old at no cost in addition to the number of Chicks under 2 days old invoiced per flock placement.
- (3) The base price for Chicks described in subsection (1) is F.A.S. the Grower's Farm.

Fowl

5. (1) The base price to be paid by Processors to Producers for Fowl is:
 - (a) \$0.20 per kilogram live weight for broiler breeder hens; and
 - (b) \$0.00 per kilogram live weight for broiler breeder stags.
- (2) For Fowl not weighed by the Processor before 10:00 a.m. on the date of delivery, the amount of \$0.02 per kilogram live weight shall be added to the base price for each of broiler breeder hens and broiler breeder stags.
- (3) The base price for Fowl is F.A.S. the Producer's Farm.

SCHEDULE 3 - LEVIES

Producer Levies

1. (1) Subject to subsections (2) and (3), levies are fixed and imposed upon each Producer at a rate of \$0.019 per Saleable Chick.
- (2) Notwithstanding subsection (1), levies are fixed and imposed upon each Producer engaged in Broiler Hatching Egg production under the Small-Lot Innovative Self-Marketer Program at a rate of \$0.015 per Saleable Chick.
- (3) Notwithstanding subsection (1), levies are fixed and imposed upon each Regularized Producer at a rate of \$0.015 per Saleable Chick.

Hatchery Levies

2. (1) Subject to subsections (2), (3) and (4), a Marketing Costs and Losses Levy is fixed and imposed upon each Hatchery at a rate of \$4.50231¹ per dozen Squandered Eggs derived from Marketable Eggs available to that Hatchery in accordance with the Official Flock Schedule.
- (2) Where in any preceding month a Hatchery has placed Marketable Eggs into its incubators in excess of the Marketable Eggs available to that Hatchery in accordance with the Official Flock Schedule, the Hatchery shall be entitled to a credit, calculated at a rate of \$4.50232² per dozen of such excess Marketable Eggs, which may be applied against any Marketing Costs and Losses Levy payable by that Hatchery.
- (3) Subject to subsections (4) and (5), a credit may be assigned by a Hatchery to another Hatchery on application to, and with the approval of, the Commission.
- (4) Once used, a credit available to a Hatchery under subsection (2) cannot be re-used.
- (5) Every credit available to a Hatchery under subsection (2) expires at midnight on December 31 of the calendar year in which such credit became available.

¹ Calculated as the price for Broiler Hatching Eggs expressed as an amount per dozen as published by the Commission from time to time, less the salvage value of Squandered Eggs expressed as an amount per dozen as determined by the Commission from time to time.

² Calculated as the price for Broiler Hatching Eggs expressed as an amount per dozen as published by the Commission from time to time, less the salvage value of Squandered Eggs expressed as an amount per dozen as determined by the Commission from time to time.

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SCHEDULE 4 – CONFLICT OF INTEREST RULES

Interpretation

1. In these Rules:

“Indirect Interest” includes:

- (a) an interest held by the Official’s parent, spouse, child, child’s spouse, or sibling;
- (b) an interest held by a partnership in which the Official is a partner, or a director, officer or shareholder in a corporate partner or a parent corporation thereof (and irrespective of the class of shares); and
- (c) an interest held by a corporation in which the Official is a director, officer or shareholder, or with respect to which the Official has an interest as a director, officer or shareholder in a parent corporation (and irrespective of the class of shares).

“Official” includes a Member and the Executive Director of the Commission.

“Private Interest” includes a material, direct or Indirect Interest in:

- (a) a contract or transaction, or a proposed contract or transaction, of the Commission; and
- (b) a matter that was, is, or is to be, the subject of consideration by the Commission;

but does not include an interest arising from the exercise of an official power or the performance of an official duty or function that:

- (c) applies to the general public;
- (d) affects an Official as one of a broad class, including Registered Producers generally; or
- (e) concerns the remuneration and benefits of an Official of the Commission.

Conflict of Interest

2. For the purposes of these Rules, an Official has a conflict of interest when the Official exercises an official power or performs an official duty or function in the execution of his or her office and at the same time knows that in the performance of the duty or function or in the exercise of the power, whether by action or by omission, there is the opportunity to further his or her Private Interest.

Apparent Conflict of Interest

3. For the purposes of these Rules, an Official has an apparent conflict of interest when there is a reasonable perception, which a reasonably well informed person could properly have, that the Official's ability to exercise an official power or perform an official duty or function must have been affected by his or her Private Interest.

Conflict of Interest Prohibition

4. An Official shall not exercise an official power or perform an official duty or function if the Official has or would have a conflict of interest or an apparent conflict of interest.

Insider Information

5. An Official shall not use information that is gained in the execution of his or her office and is not available to the general public to further or seek to further the Official's Private Interest.

Influence

6. An Official shall not use his or her office to seek to influence a decision, to be made by another person, to further the Official's Private Interest.

Accepting Extra Benefits

7.
 - (1) An Official shall not accept a gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of his or her duties of office.
 - (2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

- (3) Where a gift or personal benefit referred to in subsection (2) exceeds \$250.00 in value, or where the total value received directly or indirectly from one source in any 12 month period exceeds \$250.00, the Official shall immediately disclose:
 - (a) the nature of the gift or personal benefit;
 - (b) its source; and
 - (c) the circumstances under which it was given and accepted.

Pre-emptive Disclosure of Private Interests

8. (1) Every Official must complete annually, and periodically update as necessary, a Private Interest Disclosure Form in order to pre-emptively identify the nature and extent of every Private Interest that might reasonably give rise to a conflict of interest or an apparent conflict of interest during the Official's tenure as a representative of the Commission.
- (2) The Private Interest Disclosure Forms shall be held by the Chair and by the Executive Director of the Commission.

Procedure on Conflict of Interest

9. (1) An Official who has reasonable grounds to believe that he or she has or would have a conflict of interest or an apparent conflict of interest in a matter that is before the Commission shall, if present at a meeting considering the matter:
 - (a) disclose fully and promptly to the Chair and members of the Commission the general nature of the conflict of interest or apparent conflict of interest;
 - (b) withdraw from the meeting without voting or participating in the consideration of the matter; and
 - (c) refrain from any action intended to influence the discussion or vote.
- (2) If at any time it should appear to the Chair or to the Executive Director of the Commission that an Official has a conflict of interest or an apparent conflict of interest in a matter that is before the Commission, the Chair or the Executive Director, as the case may be, may disclose fully to the members of the Commission the general nature of the perceived conflict of interest or apparent conflict of interest, whereupon the Commission may decide that the Official should:
 - (a) withdraw from any meeting without voting or participating in the consideration of the matter; and/or

- (b) refrain from any action that might influence the discussion or vote.
- (3) Nothing in subsection (2) limits or abrogates any Official's obligations under subsection (1).

SCHEDULE 5 – BIOSECURITY, FOOD SAFETY AND CODE OF PRACTICE

Incorporation by Reference

1. The following are adopted and incorporated by reference into this Schedule:
 - (a) The B.C. Poultry Biosecurity Program published by the B.C Poultry Association on April 17, 2007;
 - (b) The Canadian Broiler Hatching Egg Producers Association's *Canadian Hatching Egg QualityTM Producer Manual* (the HACCP-based on-Farm food safety program for hatching egg producers); and
 - (c) The Canadian Agri-Food Research Council's *Recommended code of practice for the care and handling of farm animals – Chickens, Turkeys and Breeders from Hatchery to Processing Plant*;

(collectively, the "Programs").

Compliance with Programs and Directions

2. Every Producer shall comply with the codes, standards, rules and requirements contained in the Programs, and shall further comply with all directions as may be made by the Commission from time to time with respect to biosecurity and/or food safety including, without limiting the generality of the foregoing, directions made by the Commission from time to time with respect to pest control and/or post SE positive cleaning and disinfecting.

On Farm Program Coordinator

3.
 - (1) The Commission may designate a Person to act as the On Farm Program Coordinator for the purpose of assisting in the administration of the Programs.
 - (2) A Person designated by the Commission to act as the On Farm Program Coordinator is authorized to exercise the following delegated powers of the Commission:
 - (a) the power to inspect a Producer's books, records and accounts relating to the production, transportation, packing, storage and marketing of Broiler Hatching Eggs, Saleable Chicks or broiler breeders, for the purpose of assessing the degree of compliance with the Programs;

- (b) the power to request that any Person licensed by the Commission furnish information or documentation relating to the production, transportation, packing, storage and marketing of Broiler Hatching Eggs, Saleable Chicks or broiler breeders, for the purpose of assessing the degree of compliance with the Programs;
- (c) the power to request that any Person licensed by the Commission make specific answers to any questions submitted to that Person, for the purpose of assessing the degree of compliance with the Programs;
- (d) the power to search vehicles in which the regulated product is transported, and to inspect all Farm or business premises owned, occupied or controlled by any Person licensed by the Commission, for the purpose of assessing the degree of compliance with the Programs; and
- (e) the power to issue a corrective action request in relation to any matter noted by the On Farm Program Coordinator as being non-compliant with the Programs.

Referral to B.C. Poultry Biosecurity Committee

- 4. (1) Where a Person has failed to comply with a corrective action request issued by the On Farm Program Coordinator, the Commission may seek a non-binding recommendation from the B.C. Poultry Biosecurity Committee.
- (2) Without limiting the generality of subsection (1), the Commission may seek a non-binding recommendation from the B.C. Poultry Biosecurity Committee concerning any or all of the following matters:
 - (a) the propriety of the On Farm Program Coordinator's interpretation of the Programs; and
 - (b) the reasonableness of a corrective action request issued by the On Farm Program Coordinator.

Suspension and Cancellation

- 5. (1) After giving a Person an opportunity to be heard, the Commission may impose terms and conditions with respect to the marketing of a regulated product and may suspend or cancel the licence held by, or Quota allotted to, a Person if that Person has failed to comply with a corrective action request issued by the On Farm Program Coordinator.

- (2) Where a licence and/or Quota has been suspended for a definite period by reason of a failure to comply with a corrective action request issued by the On Farm Program Coordinator, and that failure to comply has not been rectified within the period of suspension and continues, the Commission may forthwith cancel the licence and/or all or any part of the Quota allotted to that Person.
- (3) The Commission may set and collect a charge or series of charges against a Person who has failed to comply with a corrective action request issued by the On Farm Program Coordinator to recover the expenses incurred by the Commission in connection with the imposition of terms and conditions with respect to the marketing of a regulated product, and/or the suspension or cancellation of the licence held by, or Quota allotted to, a Person.
- (4) Before the Commission imposes terms and conditions with respect to the marketing of a regulated product, or suspends or cancels the licence held by, or Quota allotted to, a Person, or sets a charge or series of charges against a Person, the Commission shall consider the following:
 - (a) previous enforcement actions for contraventions of a similar nature by the Person;
 - (b) the gravity and magnitude of the contravention;
 - (c) the extent of the harm to others resulting from the contravention;
 - (d) whether the contravention was repeated or continuous;
 - (e) whether the contravention was deliberate;
 - (f) any economic benefit derived by the Person from the contravention;
and
 - (g) the Person's efforts to correct the contravention.

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SCHEDULE 6 – SUPPLEMENTAL STANDARDS

Part I - Production Unit Standards

Egg Service Rooms

1. Every Independent Production Unit shall have an Egg Service Room which shall be equipped with hot and cold running water.

Egg Storage Rooms

2. (1) Egg Storage Rooms shall:
 - (a) be large enough to accommodate one week's production of Broiler Hatching Eggs and:
 - (i) packaging (buggies and trays) for four day's production of Broiler Hatching Eggs; or
 - (ii) be of a minimum area equivalent to 2 square feet for every 100 birds in production.
 - (b) be equipped with an operational calibrated thermometer and humidistat;
 - (c) have a well maintained concrete or paved loading area; and
 - (d) be equipped with cooler doors and load-out doors having a minimum width of 4 feet.
- (2) Independent Production Units shall have no more than one Hatching Egg Storage Room.
- (3) Egg Storage Rooms shall be accessible by way of a loading dock or other loading apparatus suitable for the loading of Broiler Hatching Eggs.
- (4) Independent Production Units constructed after February 2006 shall have a lockable exterior entrance to the Egg Storage Room.

Part II - Production Unit Management Standards

General

3. (1) Producers shall use a Hatchery's packaging and egg buggies only for the purpose of packaging and storing Broiler Hatching Eggs.

- (2) No Producer shall raise or manage on a Production Unit any species of poultry other than chickens (*Gallus domesticus*).
- (3) Except with prior notice to the Hatchery, no Producer shall place or maintain on an Independent Production Unit broiler breeders originating from another Producer's Independent Production Unit.

Pullets

4. To ensure that:
 - (a) all pullet production facilities are inspected and meeting standards; and
 - (b) all placements are registered with the Commission;

Producers must apply for a permit from the Commission to place broiler breeder pullets on a production facility other than their own at least 60 days before the projected placement date and prior to the setting of eggs at the hatchery for that parent flock. Changes in pullet flock placement, when necessary, will be accepted with prior notification to the Commission.

Breeder Flock Management

5. (1) Producers:
 - (a) shall administer health and vaccination programs and re-vaccinations as may be prescribed by the flock veterinarian;
 - (b) shall remove all Cull Chicks when identified and all brother roosters by 25 weeks of age;
 - (c) shall spike broiler breeder flocks with replacement roosters, of the same breed, when necessary to maintain or improve fertility rates;
 - (d) are encouraged to obtain the most recent test results from the Animal Health Monitoring laboratory on any or all replacement roosters;
 - (e) shall immediately report to the Hatchery any indication of disease or any condition that may result in a significant drop in production or fertility;
 - (f) shall provide the Hatchery with copies of any laboratory reports regarding any indication of disease or any significant drop in production or fertility; and

- (g) shall properly maintain and keep clean all nest material.
- (2) The Commission may:
- (a) on its own initiative;
 - (b) upon the written request of a Producer; or
 - (c) upon the written request of a Hatchery;

take samples of Broiler Hatching Eggs from a Producer, a Hatchery, or both, for the purpose of testing Broiler Hatching Egg fertility.

Egg Washing and Sanitation

6. (1) Where Broiler Hatching Eggs are washed, they shall be washed with clean water of approximately 40.5 degrees Celsius (105 degrees Fahrenheit), with a detergent approved for washing hatching eggs.
- (2) All floor, slat, and washed Broiler Hatching Eggs shall be marked for identification so as to be distinguishable from unwashed Broiler Hatching Eggs and placed in trays at the bottom of the buggies.

Egg Gathering, Storage and Packing

7. (1) Cull Eggs shall be removed by Producers before packaging, such that no more than 1.0% of the total number of Broiler Hatching Eggs in any Pick-Up shall be Cull Eggs.
- (2) All Cull Eggs identified by a Hatchery shall be made available to the originating Producer.
- (3) Where the Commission or its authorized delegate has verified that the number of Cull Eggs exceeds 1.0% of the total number of Broiler Hatching Eggs in a Pick-Up, the receiving Hatchery may return that Pick-Up to the Producer for re-culling, and may forthwith deduct and withhold from the total payable to such Producer a charge fixed at \$500.00.
- (4) All Broiler Hatching Eggs packaged by a Producer shall be:
- (a) of a minimum weight of 52 grams, unless they are Silkie or Taiwanese Broiler Hatching Eggs;
 - (b) packaged with the point down; and

- (c) packaged together only with other Broiler Hatching Eggs originating from the same flock (i.e., “blending” flocks is not permitted).
- (5) No Producer shall make eggs available for Pick-Up while such eggs have been directed to be destroyed by the Producer’s veterinarian or the Canadian Food Inspection Agency.
- (6) All double-yolked eggs shall be packaged on Commission supplies and sold to the Commission;
- (7) All small eggs (less than 52 grams), shall be packaged on Commission supplies and sold to the Commission, unless they are Silkie or Taiwanese Broiler Hatching Eggs.

Part III - Hatchery and Transporter Standards

Transport

- 8. (1) Transporters shall:
 - (a) maintain all vehicles used for the purpose of transporting Broiler Hatching Eggs at the recommended storage temperatures for hatching eggs;
 - (b) clean and disinfect weekly all vehicles used for the purpose of transporting Broiler Hatching Eggs; and
 - (c) firmly secure all buggies used for transporting Broiler Hatching Eggs so as to minimize any damage to the eggs.

Pullets

- 9. Hatcheries shall correctly identify the pullet placement location (if different from the flock owner information) on the Hatchery Supply Flock Registration form.

Setting

- 10. Hatcheries shall place Marketable Eggs in their incubators in a timely fashion and as soon after such Marketable Eggs are laid as is reasonably possible.

Part IV – Breeder Standards

Broiler Breeder Hatching Eggs

11. (1) Broiler breeder hatching eggs shall either:
 - (a) be produced from a grandparent flock that is not less than 32 weeks of age; or
 - (b) satisfy the weight requirements set out in subsection (2).
- (2) Where broiler breeder hatching eggs are produced from a grandparent flock that is less than 32 weeks of age:
 - (a) the Hatchery supplying such broiler breeder hatching eggs must individually weigh each broiler breeder hatching egg contained in one random sample flat for every six cases;
 - (b) 100% of the broiler breeder hatching eggs so weighed must weigh at least 52 grams, unless they are Silkie or Taiwanese Broiler Hatching Eggs; and
 - (c) the Hatchery must certify in writing the results of the weighing and provide such certification to the applicable Producer not later than 3 days following the date that the broiler breeder hatching eggs are set in the Hatchery's incubator.
- (3) Where broiler breeder hatching eggs produced from a grandparent flock that is less than 32 weeks of age do not satisfy the weight requirements set out in subsection (2), the Hatchery and the applicable Producer:
 - (a) must consult with each other with a view to arriving at mutually acceptable terms with respect to those broiler breeder hatching eggs; and
 - (b) may, if they are unable to arrive at mutually acceptable terms with respect to those broiler breeder hatching eggs, refer the resulting dispute to the Pricing and Production Advisory Committee in accordance with Part V of this Schedule.
- (4) Producers remain obligated to pay the full amount due (without deduction, set-off or abatement) for flocks of day-old broiler breeders ordered and arranged by a Hatchery, unless another arrangement results from:

- (a) mutually acceptable terms arrived at between a Hatchery and the applicable Producer with respect to broiler breeder hatching eggs that do not satisfy the weight requirements set out in subsection (2);
- (b) a recommendation made by the Pricing and Production Advisory Committee in accordance with Part V of this Schedule with respect to a resulting dispute, which recommendation has been duly accepted by the Commission; or
- (c) any other order, decision or determination that may be made by the Commission with respect to a resulting dispute.

Broiler Breeder Chicks

12. Day-old broiler breeder pullets should not have any one or more of the following characteristics: poor legs, skin tears, missing eye(s), crossed beak, unhealthy appearance, dirty or matted with hatch material, scabby navel, body lesion(s), or curled toes.

Genetics

13. Every Producer must be provided with all available manuals and guidelines applicable to any new strain of day-old broiler breeder pullets provided to that Producer.
14. New strains of day-old broiler breeder pullets should not be placed unless there has first been consultation between the applicable Hatchery, the applicable Producer and the Commission.

Part V - Dispute Resolution

Discussion and Inspection

15. Where a dispute arises between a Hatchery and a Producer concerning alleged non-compliance with the Standards:
- (a) The Hatchery and the Producer shall make bona fide efforts to resolve all disputes by amicable discussions, and to meet, discuss in good faith and try to resolve disputes without litigation, controversy or claim, and to provide frank, candid and timely disclosure of all relevant facts to facilitate those discussions.
 - (b) The Commission may:
 - (i) on its own initiative;

- (ii) upon the written request of a Producer; or
- (iii) upon the written request of a Hatchery;

arrange for an inspection to be conducted, with or without notice, for the purpose of assessing the degree of compliance or non-compliance with the Standards.

Referral to PPAC

16. (1) Where a dispute between a Hatchery and a Producer concerning alleged non-compliance with the Standards cannot be resolved by amicable discussions, the Hatchery or the Producer, as the case may be, may refer the dispute to the Pricing and Production Advisory Committee by:
- (a) delivering to the Commission a written Request for Recommendation addressed to the Pricing and Production Advisory Committee; and
 - (b) delivering a copy of the written Request for Recommendation to all other parties whose interest is or may be affected by the dispute.
- (2) A written Request for Recommendation shall contain:
- (a) a detailed description of the alleged non-compliance with the Standards;
 - (b) a detailed description of the efforts made to resolve the dispute by amicable discussions, without revealing any communications of a privileged nature; and
 - (c) the nature of the recommendation sought by the applicant.
- (3) Within such time as the Pricing and Production Advisory Committee may direct, all other parties whose interest is or may be affected by the dispute may respond to the written Request for Recommendation by:
- (a) delivering to the Commission a written Response addressed to the Pricing and Production Advisory Committee; and
 - (b) delivering a copy of the written Response to the applicant.
- (4) A written Response shall contain:
- (a) a detailed description of the efforts made to resolve the dispute by amicable discussions, without revealing any communications of a privileged nature; and

- (b) the nature of the recommendation sought by the respondent.
- (5) Within such time as the Pricing and Production Advisory Committee may direct, the applicant may reply to a written response by:
 - (a) delivering to the Commission a written Reply addressed to the Pricing and Production Advisory Committee; and
 - (b) delivering a copy of the written Reply to each Respondent.
- (6) A written Reply shall be as brief as the circumstances may permit and shall address only those matters raised in the Response not already addressed in the written Request for Recommendation.

Consideration by PPAC

- 17. (1) When considering a dispute concerning alleged non-compliance with the Standards, the Pricing and Production Advisory Committee:
 - (a) shall conduct itself in a manner consistent with the Conflict of Interest Rules contained in Schedule 4 to the Consolidated Order as if those Rules applied, mutatis mutandis, to the Pricing and Production Advisory Committee; and
 - (b) may have regard to any inspection report that had been prepared for the purpose of assessing the degree of compliance or non-compliance with the Standards.
- (2) In providing advice to the Commission concerning alleged non-compliance with the Standards, the Pricing and Production Advisory Committee may:
 - (a) recommend that no action be taken by the Commission on the basis that there has been no material deviation from the Standards;
 - (b) recommend that no action be taken by Commission on the basis that there has been no material impact from a deviation from the Standards;
 - (c) recommend that the Commission direct the Producer or Hatchery, as the case may be, to rectify any deviation from the Standards within such time as it considers appropriate;
 - (d) recommend that the Commission suspend the next placement until all Standards are met;

- (e) recommend that Commission make an order, decision or determination concerning the pricing of regulated product, including an adjustment to price, as the Pricing and Production Advisory Committee may consider appropriate in the circumstances;
- (f) recommend that Commission make an order, decision or determination concerning the production of regulated product, including a direction with respect to the kill age of any broiler breeder flock, as the Pricing and Production Advisory Committee may consider appropriate in the circumstances;
- (g) make such other recommendations as the Pricing and Production Advisory Committee may consider appropriate in the circumstances.

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SCHEDULE 7 – SMALL LOT INNOVATIVE SELF-MARKETER PROGRAM RULES

Definitions

1. In these Rules:

“Atypical Strain of Broiler Breeder” means a strain of Broiler Breeder that produces a day-old Chick that cannot be made available through a licensed Hatchery on an economically viable basis.

“Spouse” means a partner in a marriage, or a Person with whom there has been cohabitation in a conjugal relationship, having so cohabitated for a continuous period of at least one year.

Application Under Small-Lot Innovative Self-Marketer Program

2. (1) Applications to participate in the Small-Lot Innovative Self-Marketer Program are made by filing with the Commission:
- (a) an application form, obtainable from the Commission, duly completed by the applicant;
 - (b) a copy of the applicant’s birth certificate or other proof of age acceptable to the Commission;
 - (c) proof of Canadian citizenship or permanent resident status;
 - (d) proof of permanent residence status in the Province of British Columbia; and
 - (e) a non-refundable application fee of \$250.00, payable to the Commission by way of cheque.
- (2) Spouses may submit a joint application, but no more than one application may be submitted by both Spouses, or either of them.
- (3) An applicant for the Small-Lot Innovative Self-Marketer Program may be a partnership in which case each partner must qualify under subsection (4).
- (4) A Person seeking to participate in the Small-Lot Innovative Self-Marketer Program must have the following qualifications:
- (a) a genuine intention to be actively engaged in Broiler Hatching Egg production from an Atypical Strain of broiler breeder approved by the Commission, for the specific purpose of:

- (i) hatching day-old broiler Chicks from that production under a custom hatching agreement with a licensed Hatchery in good standing with the Commission;
 - (ii) growing all day-old broiler Chicks hatched pursuant to paragraph (i) under quota allotted to the applicant by the British Columbia Chicken Marketing Board;
 - (iii) processing all broilers grown pursuant to paragraph (ii) under a custom processing agreement with a licensed chicken processor in good standing with the British Columbia Chicken Marketing Board; and
 - (iv) self-marketing all broilers processed pursuant to paragraph (iii) under a brand or label unique to the applicant directly to wholesalers, retailers, restaurants or consumers;
- (b) be a Canadian citizen or permanent resident of Canada;
 - (c) be a permanent resident in the Province of British Columbia;
 - (d) be at least 19 years of age at the time of application;
 - (e) be in good standing with the British Columbia Chicken Marketing Board; and
 - (f) neither the applicant, nor the Spouse of the applicant, nor any co-applicant, may have, or have had at any time, any financial interest in Quota allotted by the Commission, whether directly or indirectly, through any organization or entity.

Entry in Program

- 3. (1) The applicant must submit to the Commission, within 60 days from the date application:
 - (a) proof, in a form satisfactory to the Commission, of the applicant's financial ability to establish an acceptable Independent Production Unit for the production of Broiler Hatching Eggs;
 - (b) proof, in a form satisfactory to the Commission, that the applicant has economically viable plans to sustain the production of Broiler Hatching Eggs;

- (c) proof, in a form satisfactory to the Commission, that the applicant will be able to establish an acceptable Independent Production Unit for the production of Broiler Hatching Eggs within one year from the date of the application;
- (d) proof, in a form satisfactory to the Commission, that the applicant's Independent Production Unit will be within economic access of a licensed Hatchery;
- (e) proof, in a form satisfactory to the Commission, that the applicant is able to directly order and arrange for the placement of day-old broiler breeder pullets of the Atypical Strain of Broiler Breeder approved by the Commission;
- (f) proof, in a form satisfactory to the Commission, that the applicant has made arrangements with a licensed Hatchery in good standing with the Commission for the hatching of day-old broiler Chicks from the applicant's production under a custom hatching agreement;
- (g) proof, in a form satisfactory to the Commission, that the applicant has made arrangements to grow all day-old broiler Chicks hatched pursuant to paragraph (f) under quota allotted to the applicant by the British Columbia Chicken Marketing Board;
- (h) proof, in a form satisfactory to the Commission, that the applicant has made arrangements with a licensed chicken processor in good standing with the British Columbia Chicken Marketing Board to process all broilers grown pursuant to paragraph (g) under a custom processing agreement;
- (i) proof, in a form satisfactory to the Commission, that the applicant will self-market all broilers processed pursuant to paragraph (h) under a brand or label unique to the applicant directly to wholesalers, retailers, restaurants, or consumers;
- (j) an undertaking, in a form satisfactory to the Commission, that the applicant will engage in Broiler Hatching Egg production from an Atypical Strain of Broiler Breeder approved by the Commission, for the specific purpose of:
 - (i) hatching day-old broiler Chicks from that production under a custom hatching agreement with a licensed Hatchery in good standing with the Commission;

- (ii) growing all day-old broiler Chicks hatched pursuant to paragraph (i) under quota allotted to the applicant by the British Columbia Chicken Marketing Board;
 - (iii) processing all broilers grown pursuant to paragraph (ii) under a custom processing agreement with a licensed chicken processor in good standing with the British Columbia Chicken Marketing Board; and
 - (iv) self-marketing all broilers processed pursuant to paragraph (iii) under a brand or label unique to the applicant directly to wholesalers, retailers, restaurants or consumers;
 - (k) an undertaking, in a form satisfactory to the Commission, that the applicant will ship all Broiler Hatching Eggs produced in excess of the applicant's self-marketing requirements (within the limits of the quota allotted to the applicant by the British Columbia Chicken Marketing Board) to the breaker at the applicant's own cost and in accordance with a delivery schedule approved and administered by the Commission;
 - (l) an acknowledgment, in a form satisfactory to the Commission, that:
 - (i) the applicant will receive only the price payable by the breaker for any Broiler Hatching Eggs marketed to the breaker;
 - (ii) the applicant will not be eligible to participate in any surplus removal program administered by the Commission (other than the Pick-Up and delivery of hatching eggs) and is not entitled to receive any subsidy with respect to any Broiler Hatching Eggs marketed to the breaker;
 - (m) any other information deemed necessary by the Commission.
- (2) An applicant who has complied with subsection (1) to the satisfaction of the Commission will be allotted Placement Quota when the acceptable Independent Production Unit has been established. The amount of Placement Quota so allotted will be sufficient to satisfy the applicant's current requirements according to the amount of Grower quota allotted to the applicant by the British Columbia Chicken Marketing Board, up to a maximum of 5,000 broiler breeder pullets.

- (3) An applicant who has been allotted Placement Quota under subsection (2) may apply for additional allotments of Placement Quota (provided that the aggregate amount of Placement Quota allotted under the Small-Lot Innovative Self-Marketer Program shall not exceed 5,000 broiler breeder pullets) where the applicant has acquired additional Grower quota allotted to the applicant by the British Columbia Chicken Marketing Board subsequent to the initial allotment of Placement Quota under subsection (2).

Special Restrictions on Placement Quota Allotted Under the Program

4. (1) Placement Quota allotted under the Small-Lot Innovative Self-Marketer Program may be held for production by the entrant only for so long as the entrant:
 - (a) permits Commission audits of the Farm operation to ensure compliance with Commission orders and all applicable legislation, including all terms and conditions of the Small-Lot Innovative Self-Marketer Program;
 - (b) is in good standing with all applicable Commission orders and all applicable legislation, including all terms and conditions of the Small-Lot Innovative Self-Marketer Program;
 - (c) is actively engaged in Broiler Hatching Egg production from an Atypical Strain of Broiler Breeder approved by the Commission, for the specific purpose of:
 - (i) hatching day-old broiler Chicks from that production under a custom hatching agreement with a licensed Hatchery in good standing with the Commission;
 - (ii) growing all day-old broiler Chicks hatched pursuant to paragraph (i) under quota allotted to the applicant by the British Columbia Chicken Marketing Board;
 - (iii) processing all broilers grown pursuant to paragraph (ii) under a custom processing agreement with a licensed chicken processor in good standing with the British Columbia Chicken Marketing Board; and
 - (iv) self-marketing all broilers processed pursuant to paragraph (iii) under a brand or label unique to the applicant directly to wholesalers, retailers, restaurants or consumers;

- (d) ships all Broiler Hatching Eggs produced in excess of the applicant's self-marketing requirements (within the limits of the quota allotted to the applicant by the British Columbia Chicken Marketing Board) to the breaker at the applicant's own cost and in accordance with a delivery schedule approved and administered by the Commission;
- (e) receives only the price payable by the breaker for any Broiler Hatching Eggs marketed to the breaker; and
- (f) continues to be ineligible to participate in any surplus removal program administered by the Commission (other than the Pick-Up and delivery of hatching eggs) and unentitled to receive any subsidy with respect to any Broiler Hatching Eggs marketed to the breaker;

failing which the Placement Quota so allotted shall thereupon be subject to immediate cancellation on notice by the Commission to the entrant.

- (2) Placement Quota allotted under the Small-Lot Innovative Self-Marketer Program may only be Transferred for the purpose of engaging in the production of Broiler Hatching Eggs from the same Atypical Strain of Broiler Breeder for which the Commission's approval had been granted hereunder.

Purchase or Acquisition of Additional Placement Quota

- 5. (1) An entrant may purchase or acquire Placement Quota.
- (2) Entrants under the Small-Lot Innovative Self-Marketer Program are eligible to receive general allotments of new Placement Quota and are subject to general adjustments or reductions of Placement Quota, and for that purpose, such receipts, adjustments or reductions shall be calculated against the Placement Quota then allotted to the entrant.

Determination as to Whether the Entrant is Actively Engaged in Broiler Hatching Egg Production

- 6. (1) The Commission will determine, in its sole discretion, whether an entrant is actively engaged in Broiler Hatching Egg production for the purposes of the Small-Lot Innovative Self-Marketer Program. Without limiting the generality of the foregoing, the Commission will have regard to the following factors:
 - (a) whether the Placement Quota allotted under the Small-Lot Innovative Self-Marketer Program is being used for the benefit of the entrant;
 - (b) whether the entrant is active in the day-to-day affairs of the Independent Production Unit, including matters of animal husbandry;

- (c) whether the entrant operates and controls the Independent Production Unit;
- (d) whether the entrant owns, leases or rents the Independent Production Unit;
- (e) whether the entrant pays for feed and other Farm supplies utilized on the Independent Production Unit;
- (f) whether the entrant enjoys the chance of profit and bears the risk of loss in relation to the operations of the Independent Production Unit;
- (g) whether the entrant hatches day-old broiler Chicks from its own production under a custom hatching agreement with a licensed Hatchery in good standing with the Commission;
- (h) whether the entrant grows all day-old broiler Chicks hatched pursuant to paragraph (g) under quota allotted to the applicant by the British Columbia Chicken Marketing Board;
- (i) whether the entrant processes all broilers grown pursuant to paragraph (h) under a custom processing agreement with a licensed chicken processor in good standing with the British Columbia Chicken Marketing Board;
- (j) whether the entrant self-markets all broilers processed pursuant to paragraph (i) under a brand or label unique to the applicant directly to wholesalers, retailers, restaurants or consumers;
- (k) whether the entrant ships all Broiler Hatching Eggs produced in excess of the applicant's self-marketing requirements (within the limits of the quota allotted to the applicant by the British Columbia Chicken Marketing Board) to the breaker at the applicant's own cost and in accordance with a delivery schedule approved and administered by the Commission;
- (l) whether the entrant receives only the price payable by the breaker for any Broiler Hatching Eggs marketed to the breaker;
- (m) whether the entrant continues to be ineligible to participate in any surplus removal program administered by the Commission (other than the Pick-Up and delivery of hatching eggs) and unentitled to receive any subsidy with respect to any Broiler Hatching Eggs marketed to the breaker;

- (2) For the purpose of determining whether the entrant is actively engaged in the production of Broiler Hatching Eggs, the Commission shall have regard to the substance and effect of any arrangement made between the entrant and any other Person, irrespective of the form of that arrangement.
- (3) Where it appears to the Commission that the entrant is primarily engaged in the business of administering Placement Quota allotted under the Small-Lot Innovative Self-Marketer Program, and that some other Person is primarily engaged in the business of Broiler Hatching Egg production associated with that Placement Quota, the entrant shall be deemed not to be actively engaged in Broiler Hatching Egg production.